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10/058,097	01/29/2002	James Friskel	200400110-1	1197

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EXAMINER

HUYNH, BA

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2179

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/058,097
Filing Date: January 29, 2002
Appellant(s): FRISKEL, JAMES

James P. Hao
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/19/2006 appealing from the Office action mailed 4/07/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The minor correction is claim 4-9, 11, 12, 14, 16 and 24-28 are rejected

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under 35 USC 102(e) as being anticipated by US patent #6,292,185 (Ko et al). The minor correction is due to a typographical error.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,292,185

Ko et al.

9-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 4-9, 11, 12, 14, 16 and 24-28 are rejected under 35 U.S.C. 102(e) as anticipated by US patent #6,292,185 (Ko et al).

- As for claims 8, 12, 14, 26-28: Ko et al (hereinafter Ko) teach a computer implemented method and corresponding system for displaying a visible portion of a user interface for an application program (1:51-58), comprising the steps/means for: defining a graphical image 702 for the visible portion of the user interface in a first computer file (default.xtd, 6:38-42), wherein the graphical image provides at least an outer boundary of the visible portion (7:7-9, 8:23-24), defining in a second computer file (default.xtc, 6:48-7:7) a plurality of parameters for associating a functional portion of the user interface with the graphical image , and

processing the first and second computer files to display the visible portion of the user interface and configure the functional portion of the user interface (7:23-33, 8:10-27).

- As for claim 4: The second computer file comprises location definition and an activation type for an activation region (6:48-7:7).
- As for claim 5: The activation one of the URL region 712 or navigation buttons Back, Forward, Home points to the corresponding files of the being displayed document.
- As for claims 6: The state of the user interface is a default state (6:35-39).
- As for claim 7: A non-rectangular polygon 702, 704 is defined corresponding to an external boundary of the image (6:55-60, 8:10-11, figure 7). Information regarding the polygon is stored in the computer system (6:48-65). The graphical image 702, 704 is displayed according to its display attributes which include color and transparent components. Thus the "partitioning" is inherently included in the display of the graphical image.
- As for claim 9: The method can be implemented at the server (5:52-64; i.e., when no editing is needed) or at a client computer (8:10-17).
- As for claim 11: The means (graphic engine) for accessing the computer files is inherently included in Ko's teaching of displaying the graphic images of the graphical elements.
- As for claim 16: One of the groups consisting of the graphic file and the configuration file is dynamically updated by a server computer (5:22-27, 52-64).
- As for claims 24, 25: Selectable buttons 704-710 can be selected and activated.

(10) Response to Argument

The Ko et al: Ko et al teach a method and corresponding apparatus for customizing the appearance of a graphical user interface, such as a web browser (abstract). A customized web browser comprises a plurality of files, including customization data files default.xtd, default.xtc and main.bmp (4:12-24). File default.xtd is a graphic file used in the display of the customized web browser (6:38-39). The default.xtd file specifies the screen coordinates in which a decoded HTML is to be displayed and includes image files used in the display of customized web browser (6:8-11). The image files of the default.xtd comprise image files for displaying the background 702, buttons 704-710, and the dimensions of area 714 (8:21-27). Thus Ko's default.xtd file read on the appellants' claimed "first computer file" as recited. File default.xtc is also a customization data file for customizing the web browser. The default.xtc file specifies functional portion of the web browser interface. Functional portion of the interface such as location of the control buttons, its images, and its functions are specified by the default.xtc (6:63-7:7, 7:18-22, 8:18-21). Thus Ko's default.xtc file read on the appellants' claimed "second computer file" as recited. Each of the files has different extension .xtd and .xtc thus are two different files.

The argument: The appellants point to page 5, paragraph 20, to provide support for the claimed "first computer file" (graphic file 108) and "second computer file" (configuration file 110). Although not mentioned by the appellants, configuration file 110 is further described as containing skin point 302 and activation region definitions 304 (the appellants' spec, par. 0032). Skin point 302 includes bitmapped coordinates to provide an overall bounding rectangle (par. 0035). Activation region definition 304 comprises label to identify the activation region, a

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location definition 306 that provides (x,y) coordinates for a bounding rectangle to identify the portion of image 200 that is an activation region, and activation type 308 (par. 0036, figs 3A-C). The appellants' configuration file 110 is similar to Ko's default.xtc file wherein the default.xtc file comprises bitmap coordinate to provide an overall bounding rectangle (6:49-55), label identifying activation regions and its functions (6:63-7:7), location definitions that provide (x,y) coordinates to identify portions of a image that are activation regions (7:3-7). The appellants argue that Ko's files default.xtd and default.xtc are both related to appearance. In response to the argument, the two files are used for customizing the graphical user interface appearance of the web browser therefore they must be "related" to the appearance of the web browser, so as the appellants' files 108 and 110. However the two files default.xtd and default.xtc are different in that file default.xtd includes image files used in the display of customized web browser (6:8-11, 38-39; 8:23-27), wherein the default.xtc file specifies the functionality of portions of the graphical image (i.e., activation regions) of the web browser. In default.xtc file, statement LOCATION specifies the screen location of the button. Directive FUNCTION=Back specifies the function of the button. The locations and functions of a forward, refresh, stop, and home buttons are also provided (6:49-7:7, 8:18-22). These are different from the default.xtd file.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

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